



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 10 2017

Mr. Ron Gore, Director
Alabama Department of Environmental Management
Air Division
P.O. Box 301463
Montgomery, Alabama 36130-1463

Dear Mr. Gore:

Thank you for your letter dated January 18, 2017, transmitting a prehearing package that included draft Clean Air Act section 111(d) state plans revising Alabama's existing Commercial and Industrial Solid Waste Incinerators (CISWI) and existing Municipal Solid Waste Landfill (MSWL) state plans. These draft plans are the subject of a public hearing which was scheduled for March 8, 2017, with written comments requested by March 10, 2010. We have completed our initial review of these submittals and offer the enclosed comments (see Enclosure A for comments on the draft CISWI state plan revision and Enclosure B for comments on the draft MSWL state plan revision). Once any changes are made to these drafts, we will review your final plan submittals for approvability. Please forward the final versions of your CISWI and MSWL state plan revisions to my attention.

If you have any questions about these comments, please contact Todd Russo, Chief, South Air Enforcement and Toxics Section at (404) 562-9194, or have your staff contact Mark Bloeth (for CISWI questions) at 404-562-9013, or Dave McNeal (for MSWL questions) at 404-562-9102.

Sincerely,

A handwritten signature in black ink, reading "Beverly A. Spagg".

Beverly Spagg, Chief
Air Enforcement and Toxics Branch

Enclosures

ENCLOSURE A

EPA Region 4 Comments on the Alabama Department of Environmental Management's (ADEM) 1/18/17 draft Clean Air Act section 111(d)/129 state plan revising Alabama's existing Commercial and Industrial Solid Waste Incinerators (CISWI) 111(d)/129 state plan. The ADEM document is titled "Proposed Revisions to Chapter 335-3-3 (Control of Open Burning and Incineration) and State Plan for Emission Standards and Compliance Times for Commercial and Industrial Solid Waste Incineration Units."

1. On page two, first paragraph, ADEM specifies, "*All existing CISWI subject to this Plan shall operate pursuant to the requirements of the Major Source Operating Permit program under ADEM Admin. Code chap. 335-3-16 no later than December 1, 2003. Owners and operators of Air Curtain Incinerators that burn only 100 percent wood waste, 100 percent clean lumber or 100 percent mixture of only wood waste, clean lumber, and/or yard waste **are not required to operate under a Major Source Operating Permit** [emphasis added]; however, the requirements of proposed Rule 335-3-3-.05(13) apply.*"

This indicates that ADEM does not intend to issue a Title V operating permit for air curtain incinerator (ACI) units burning specified wood/yard wastes. While ADEM does cite ACI requirements for opacity, recordkeeping and other requirements as stated in the Model Rule for ACI units, according to 40 CFR part 60, subpart DDDD §§ 60.2555 and 60.2810, ACI units must also meet the requirements of § 60.2805, which is a requirement to operate with a Title V permit.

2. In addition to an inventory of traditional CISWI units, ADEM's revised CISWI state plan must also include source and emissions inventories for all ACI units operating in Alabama, including those that burn only wood and/or yard waste.
3. There appears to be a typo in Table 7 (Emission Limits for Waste Burning Kilns) on page A-79 where a citation in the Compliance Method 40 CFR 60 Appendix A (last column) for Hydrogen Chloride should be changed from § 60.2710(f) to § 60.2710(j), since (j) references waste burning kilns and (f) references energy recovery units under § 60.2710.

ENCLOSURE B

EPA Region 4 Comments on the Alabama Department of Environmental Management's (ADEM) 1/18/17 draft revisions to Alabama's existing Municipal Solid Waste Landfill (MSWL) Clean Air Act section 111(d) state plan. The ADEM document is titled "Proposed Revisions to Chapter 335-3-19 (Control of Municipal Solid Waste Landfill Gas Emissions)."

1. According to state rule 335-3-19-.033(3)(a)4(i), on Page 19-19, owners and operators must comply with subparagraph (1)(b)2 of the rule if the nonmethane organic compound (NMOC) mass emission rate calculated using a site-specific methane generation rate and NMOC concentration is equal to or greater than 50 megagrams per year. Because the emission rate that triggers the requirement for installation of a gas collection and control system under 40 CFR part 60, subpart Cf has been lowered to 34 megagrams per year, the emission rate of 50 megagrams per year, as currently stated in this section of the rule, must be changed to read 34 megagrams per year.
2. According to state rule 335-3-19-.033(3)(b)3, on Page 19-22, the "Director" may approve the use of other methods for determining landfill gas flow rates and NMOC concentrations. This language conflicts with 40 CFR § 60.30f(c)(b)(1) which says that approval of alternative methods for determining site-specific NMOC concentrations or methane generation rate constants is an authority that cannot be delegated to state, local, or tribal agencies. This section needs to be corrected to clarify that EPA retains this authority.